IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

UN	IITED STATES OF AMERICA)
	Plaintiff,) 8:07CR412)
	vs.)) DETENTION ORDER
CH	IRISTIAN SANTANA-RUBIO,	
	Defendant.	}
A.	Order For Detention After conducting a detention hearing pursu Act on December 4, 2008, the Court ord pursuant to 18 U.S.C. § 3142(e) and (i).	ant to 18 U.S.C. § 3142(f) of the Bail Reform lers the above-named defendant detained
B.	conditions will reasonably assure th X By clear and convincing evidence th	on because it finds: dence that no condition or combination of the appearance of the defendant as required. That no condition or combination of conditions of any other person or the community.
C.	contained in the Pretrial Services Report, X (1) Nature and circumstances of the crime: possession (Count I) in violation of sentence of five years in imprisonment. (b) The offense is a crime of the count I in violation of sentence of five years in imprisonment. (c) The offense involves a crime of the count I in violation of sentence of five years in imprisonment.	he offense charged: with intent to distribute methamphetamine 21 U.S.C. § 841(a)(1) carries a minimum mprisonment and a maximum of forty years of violence.
	may affect whe The defendant X The defendant X The defendant X The defendant The defendant ties. Past conduct of The defendant Court proceeding The defendant Co	appears to have a mental condition which other the defendant will appear. has no family ties in the area. has no steady employment. has no substantial financial resources. is not a long time resident of the community. does not have any significant community of the defendant: has a history relating to drug abuse. has a history relating to alcohol abuse. has a significant prior criminal record. It has a prior record of failure to appear at

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			elease pending trial, sentence, appeal or completion of entence.
	1	c) Other Fac	
	,		he defendant is an illegal alien and is subject to
			eportation.
			he defendant is a legal alien and will be subject to
			eportation if convicted.
			he Bureau of Immigration and Custom Enforcement
			BICE) has placed a detainer with the U.S. Marshal.
			ther:
X			seriousness of the danger posed by the defendant's
	rele	ase are as fo	llows: The nature of the charges in the Indictment.
V	(E) Del	ttabla Drae	
X		outtable Pres	at the defendant should be detained, the Court also relied
			ebuttable presumption(s) contained in 18 U.S.C. § 3142(e) inds the defendant has not rebutted:
			condition or combination of conditions will reasonably
	<u>X</u> (appearance of the defendant as required and the safety
			er person and the community because the Court finds that
		the crime	
) A crime of violence; or
		(2	2) An offense for which the maximum penalty is life
		V (6	imprisonment or death; or
		<u>X</u> (3	3) A controlled substance violation which has a maximum
		1	penalty of 10 years or more; or
		(2	A felony after the defendant had been convicted of two
			or more prior offenses described in (1) through (3)
			above, <u>and</u> the defendant has a prior conviction for one
			of the crimes mentioned in (1) through (3) above which
			is less than five years old and which was committed
			while the defendant was on pretrial release.
X (b) That no condition or combination of conditions will reasonab			
assure the appearance of the defendant as required and the safe			
of the community because the Court finds that there is probat			
cause to believe:		pelieve:	
		<u>X</u> (′) That the defendant has committed a controlled
			substance violation which has a maximum penalty of
			10 years or more.
		(2	2) That the defendant has committed an offense under 18
		`	U.S.C. § 924(c) (uses or carries a firearm during and in
			relation to any crime of violence, including a crime of
			violence, which provides for an enhanced punishment
			if committed by the use of a deadly or dangerous
			weapon or device).
			mapon or dovido).

D. Additional Directives

- Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 1. The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and
 - The defendant be afforded reasonable opportunity for private consultation with counsel; and

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3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: December 5, 2008. BY THE COURT:

s/Thomas D. Thalken United States Magistrate Judge